

**STATEMENT OF PAUL HOFFMAN, DEPUTY ASSISTANT SECRETARY FOR FISH AND WILDLIFE AND PARKS, U.S. DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON NATIONAL PARKS OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, CONCERNING OVERSIGHT ON THE IMPLEMENTATION OF THE NATIONAL PARKS AIR TOUR MANAGEMENT ACT OF 2000 (P.L. 106-181).**

**JULY 22, 2004**

Mr. Chairman, thank you for the opportunity to report to the committee on the status of implementation of the National Parks Air Tour Management Act (NPATMA). I am pleased to report that much progress has been made since our last appearance before the Senate Subcommittee on Aviation in 2002. I will briefly address the specific aspects of the program in which the Committee has noted interest.

**Overall Implementation – Program Planning and Development**

Pursuant to the NPATMA, the National Park Service Air Tour Management Program (ATMP) is responsible for working with the Federal Aviation Administration (FAA) to develop air tour management plans in the 107 park units where operators have applied for operating authority. The development of this many plans requires considerable coordination between the National Park Service (NPS) and the FAA including identifying 1) the roles and responsibilities of the FAA and the NPS personnel, 2) how to ensure that the missions of the two agencies are both incorporated in the planning process, 3) how resource impacts are to be analyzed, and 4) schedules, budgets, and other basic elements fundamental to program planning. Perhaps the biggest challenge to program implementation for the two agencies has been how to reconcile our differing agency-specific requirements for National Environmental Policy Act (NEPA) documents.

Both the NPS and the FAA have made significant efforts this past year that have resulted in improved agency relations and allowed us to move forward together in various areas. A summary of these efforts is followed by a more detailed description of each of the relevant issues.

After enactment of NPATMA, the agencies began working on an implementation plan to address how the environmental documents will be prepared, how park units will be prioritized with respect to the 107 air tour management plans, and how agency personnel will administer both programmatic and park-specific tasks. In 2003, a decision was made to set aside the development of the implementation plan in favor of initiating park-specific planning for more than 20 units. In January 2004, key officials, lawyers, and program staff from the FAA and the NPS met for two days to establish better working relationships and address some higher-level policy matters, including how best to meet Congress's intent that we better manage air tours to protect park resources from any potential adverse impacts from those air tours. The meetings were hailed as a huge success by both agencies, providing insight, knowledge, perspective, and respect for the other agency. During the meeting, the FAA and NPS finalized a Memorandum of Understanding to guide the cooperative effort of the two agencies, as specified in NPATMA. In May 2004, both agencies agreed that, in addition to moving forward on park-specific plans, they should return to efforts to complete the implementation plan. In doing so, the FAA and NPS acknowledged that negotiating the broad-based issues in the context of the implementation plan, rather than renegotiating similar issues for each park, would be more efficient and would help achieve greater consistency and more legally defensible park-specific plans. The FAA and the NPS met the week of June 21, 2004 to write the implementation plan and intend to complete a final draft by mid-August 2004.

Shortly after enactment of NPATMA, the DOT's Volpe Center was contracted by the FAA to assist in the coordination of technical issues and development of Environmental Assessments (EAs), and has been a critical partner in the implementation of the ATMP for both agencies. The NPS and the FAA meet twice a year for program planning with the DOT's Volpe Center. The Volpe Center program staff has been involved in the production of both work schedules and cost estimates for the air tour management plan EAs. Although initially working mostly through the FAA, the Volpe Center staff has also begun working closely with the NPS as our collaborative efforts continue to trickle down through both agencies.

### **Park-Specific Air Tour Management Plan Implementation**

As mentioned above, in 2003, the FAA and the NPS initiated air tour management plans for 13 specific park units: six<sup>1</sup> in Hawaii, and seven<sup>2</sup> in the continental U.S. Initial meetings were held with federal and local team members at each park unit to provide an orientation to the park, to discuss air operations at the park, and to acquaint the park personnel with the process and scheduling for air tour planning. The meetings were also used to initiate the collection of necessary information including resource data and contact information for potentially affected or interested parties and agencies.

During November and December 2003, the NPS and the FAA developed materials to aid in the NEPA scoping for nine<sup>3</sup> park units, including notices published in the Federal Register. In March 2004, notices were published, public and agency scoping meetings were held, and NEPA document preparation was begun.

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<sup>1</sup> Haleakala and Hawaii Volcanoes National Parks; Kalaupapa, Kaloko-Honokohau, Pu'uuhonua o Honaunau National Historical Parks; and Puukohola Heiau National Historic Site.

<sup>2</sup> Yellowstone, Badlands, and Petrified Forest National Parks; Lake Mead National Recreation Area; Navajo and Canyon de Chelly National Monuments; and Mount Rushmore National Memorial.

<sup>3</sup> The six Hawaii park units, Lake Mead NRA, Badlands NP, and Mount Rushmore N Mem.

The draft analysis of acoustic data for Hawaii Volcanoes National Park was produced in May 2004.

At the Implementation Plan meeting in Fort Collins in June 2004, a preliminary process for evaluating public comments and developing air tour management plan alternatives was developed. These processes will also be included in the implementation plan. Acoustic monitoring will begin this summer at Navajo National Monument, Canyon de Chelly National Monument, Petrified Forest National Park, and Glacier National Park. Collecting data this summer will allow us to begin preparing the EA for these parks in 2005. This latest monitoring exercise is a prime example of the type of sensible, cost-effective, geographic clustering both agencies are pursuing.

### **Interagency Cooperation**

Consistent with the Administration's objective of encouraging interagency collaboration in these matters, the Department of the Interior and the NPS have been working closely with the FAA to establish cooperative procedures for the preparation of air tour management plans. We have worked hard together to improve what started out as a challenging joint venture.

The January 2004 meeting, mentioned earlier in the testimony, was very successful in improving the working relationship between the FAA and NPS. Each agency made an effort to better understand the other agency and its mandates. For example, the NPS learned that the FAA has, on several occasions, been willing to mitigate even in situations where adverse impacts are less than "significant" under NEPA and, under certain conditions, is willing to do so for air tour management plans. Likewise, the FAA learned that the NPS does not view all impacts as necessarily "adverse impacts" or "impairment" under NEPA, as they had previously thought, but rather, that our resource conservation

mandates require that we attempt to mitigate all adverse impacts not just those that are significant.

With the help from the President's Council on Environmental Quality (CEQ), the two agencies were able to gain greater understanding of each other's core mission and the full implications of the NPATMA. Perhaps most important, the agencies agreed to adhere to the fundamental principal of "agency expertise" upon which NEPA stands.

The NPS acknowledges the FAA's sole province over air safety, and the FAA acknowledges the NPS authority and expertise regarding the protection of park resources, and therefore on this basis, the FAA and the NPS have agreed to jointly determine environmental impacts. This is being done through the implementation plan and with a special FAA/NPS workgroup on significant noise impacts. The NPS and the FAA have set up various workgroups and subcommittees and plan to continue working collaboratively to address issues as they arise. In fact, the two agencies are also collaborating to address issues outside the scope of this hearing including potential impacts from airport expansions, the Grand Canyon legislation, and other sound-related issues.

### **Status of Technical Issues**

Another result of the January 2004 meeting was a closer technical working relationship between the FAA and NPS, including the creation of a workgroup to evaluate decisions on technical matters. The methodologies and criteria that have traditionally been used to assess the impact of aircraft noise do not adequately address the effects on noise sensitive areas in national park units, where noise is very low and a quiet setting is a generally recognized purpose and attribute. Consequently, for air tour management plans, new methods are needed to measure and establish baseline sound levels and to assess potential impacts of air tour aircraft on national park units. The NPS Natural Sounds Program

and the FAA, with the assistance of the Volpe Center, also have been working together to establish protocols, standards, and instrumentation for the collection of acoustic data in parks for the air tour management plan process

The NPS and the Volpe Center agree that the following acoustic data needs to be collected:

- continuous, 1-second, one-third octave band (31 bands, 20-20,000 Hz, at a minimum) sound pressure level,
- very low-noise level (to near 0 dB),
- meteorological (wind speed and direction), and
- sources of sound.

Identification of sources of sound is needed to describe the park soundscape, and to identify and manage inappropriate noise sources. However, source identification is not yet available in all situations. Source identification is generally done through attended logging or playback of high-quality digital recordings, both of which are labor-intensive. Automated processes for source identification will almost certainly be available some time in the future, but that process is not available at this time. However, a process for selecting measurement locations has been established and both agencies agree that a thorough understanding of acoustic variability (daily, seasonal, and annual), and the resulting knowledge of appropriate measurement periods, will not be available until long-term measurements are made. In order to start the air tour management planning process and begin the study of long-term variability, park-wide short-term studies will be initiated (primarily by the Volpe Center), and limited long-term studies will be initiated (primarily by the NPS). The NPS and the Volpe Center will continue to work cooperatively on data collection and analysis methods that can be used to characterize park soundscapes.

There is agreement between the NPS, the FAA, and the Volpe Center regarding data collection, analysis, and reporting. While there is general agreement on acoustic data issues, issues remain on how the data is to be used to analyze potential impacts. One of the FAA and NPS workgroups was formed to review and make recommendations on determinations of significant and adverse noise impacts.

### **Cost of Analysis and Schedule**

Through the contract mentioned earlier in the testimony, the Volpe Center is working to establish schedules and cost estimates for the ATMPs. Both agencies acknowledge the need for flexibility in scheduling ATMPs and have agreed to try to accommodate each park's peak visitor periods and staff capacity to the greatest extent possible. The initial schedule for EAs provided by the Volpe Center and the FAA was ultimately revised in order to give the two agencies time to resolve some overarching issues. Tailoring the schedule has allowed us to develop a much more prudent and effective approach to the ATMP EA administration. The NPS will continue to work with the FAA and the Volpe Center to increase efficiencies by identifying practical geographic "clusters" of EAs that can be done together thus taking advantage of economies of scale and location.

### **Funding**

In the MOU, the NPS agreed to provide 40% of the cost of preparing the air tour management plans, subject to the availability of funding. Unlike the FAA, the NPS has had no line item budget for air tour management activities. Current funding for the NPS Natural Sound Program totals \$918,000; this covers salary, travel, and basic expenses for a small, centralized staff that is assisting parks and

NPS management with air tour management plans in addition to all other issues related to sound or the FAA in parks. Approximately 80% - 85% of the entire Natural Sound Program budget is spent on the ATMP while the remaining 15%-20% is shared to cover all other program components including military overflights, park technical assistance requests, airport expansion issues, the Grand Canyon Alternative Dispute Resolution process, coordination of all other NPS sound issues, outreach, education, partnerships, and interpretive work.

Based on the FAA's estimate of the cost of ATMP preparation, we estimate the NPS's share ranges from \$2-4 million annually (depending on the number of parks). Our strategy for sharing the cost of preparing ATMPs includes tapping into entrance fee based accounts and other sources of project funding. Congress recently approved use of 20% fee demonstration funding for air tour management plan work in several low revenue parks. We continue to explore, with the FAA, ways to reduce costs including clustering parks for the environmental analysis. The schedule to date has reflected our mutual desire to be more efficient when dealing with several parks in a geographic area.

### **Effect on Air Tour Operators**

The effect of this legislation on existing air tour operators depends on the extent to which an operator's air tour business may have been constrained by the cap on air tour flights over units of the national park system. Because we have not been able to permit any flight increases above the legislated cap or new entrants, the effect on some operators has likely been greater than either agency would have preferred. The NPATMA requires that both the NPS and the FAA make certain findings before the cap on air tour flights can be increased and any new entrants are permitted. However, these

findings cannot be made without better data from the operators, which the FAA is working to gather.

Both the NPS and the FAA are working together on this issue.

That concludes my remarks. Mr. Chairman, I would be happy to answer any questions you may have.